

M e m o r a n d u m

Date: April 22, 2008

To: Border Division

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**

File No.: 646.10583.11334

Subject: CHAPTER 17, OFFICER SAFETY - RESPONSE

This memorandum is in response to the Chapter 17, Officer Safety Evaluation, conducted at the Otay Mesa Scale Facility on March 27, 2008. As a result, the Facility has taken corrective action based on the evaluation's findings and recommendations.

Although Area is a scale facility with minimal field related assignments, supervisors have been reminded and will note observations of officers in the field as they relate to OST/PMA tactics whenever possible. Those observations will be recorded on the CHP 100 form and included as part of the officer's annual evaluation.

The Facility's supervisor and range officers will ensure that uniformed employees participate in 12 primary firearm shoots (one each month), each year, as required by HPM 70.8 (Weapons Manual). A briefing item was prepared, and the uniformed employees have been advised by the supervisors on the importance of attending range training and maintaining their skills in the proper use of firearms.


H. H. PAREDES, Lieutenant
Commander

Safety, Service, and Security

Department of California Highway Patrol
AREA MANAGEMENT EVALUATION
Chapter 17
OFFICER SAFETY

STAY MESA IF	RODRIGUEZ	
Area 646	Division 601	Number
Evaluated By J. CATE		Date 3-27-08

INSTRUCTIONS: Indicate items reviewed by placing a check in the "Evaluated" box and/or the "Action Required" box. If this form is used as a Correction Report, the "Correction" box should be initialed and dated as deficiencies are corrected. Answer individual items with "yes" or "no" answers, or fill in the blanks as indicated. If additional comments are necessary, the information can be placed in the Summary Statement. The Summary Statement should include significant findings, accomplishments or corrective actions, unresolved items, problems or progress, and the evaluator's overall impressions. This form can be completed in pen or pencil, and the Summary can be handwritten if desired.

Type of Evaluation		Suspense Date	
<input checked="" type="checkbox"/> Formal Evaluation	<input type="checkbox"/> Informal Evaluation		
Follow-up Required	<input type="checkbox"/> Correction Report		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	by		
Commander's Review		Date	
1. COMMAND INVOLVEMENT		Evaluated	Action Required
		3-27-08	NO

a. Does the command emphasize importance of proper enforcement tactics to achieve the lowest possible incidence of injuries incurred by officers?

☒ Yes ☐ No

(1) Does the commander stress importance of proper enforcement tactics, including use of force?

☒ Yes ☐ No

(2) Does the safety record of the command reflect an awareness of proper tactics?

☒ Yes ☐ No

(3) Do the officers' CHP 100 forms and CHP 118s, Performance Appraisals, contain comments on officer safety?

☐ Yes ☒ No

b. Are the commander and lieutenants knowledgeable of enforcement tactics, physical methods of arrest, proper use of force and the correct use of safety equipment?

☒ Yes ☐ No

(1) Is this knowledge applied properly in critiques of incidents involving officers and sergeants?

☒ Yes ☐ No

(2) Do the captain and lieutenants maintain a minimum level of enforcement skills?

☒ Yes ☐ No

(a) Do they attend officer safety training sessions?

☒ Yes ☐ No

(b) If they are not involved in officer safety, what are the reasons?

N/A ☐ Yes ☐ No

2. TRAINING AND CERTIFICATION		Evaluated	Action Required
		3-27-08	NO

a. Do training records indicate formal training has been received and certified?

☒ Yes ☐ No

(1) Do records reflect annual certification of traffic officers and sergeants for proficiency in enforcement tactics, physical methods of arrest, and the proper use of safety equipment (use of force)? Have certifications been recorded for:

(a) Searching techniques?

☒ Yes ☐ No

(b) Handcuffing?

☒ Yes ☐ No

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3. SAFETY EQUIPMENT	Evaluated 3-27-08	Action Required NO	Corrected
a. Is Oleoresin Capsicum (OC) spray (pepper spray) carried by all uniformed personnel, captain and below, while on-duty, in uniform?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(1) Is OC spray used when the need is indicated? Are notations made on booking sheets when OC spray is utilized to subdue a subject?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(2) When an officer is assaulted and an injury occurs, are the supervisors noting the use/nonuse of OC spray on the CHP 121?		N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No
(3) Are individuals who are exposed to OC spray decontaminated by flushing the affected area with clear water within 30 minutes?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(a) Do Area patrol cars carry at least two 500 mil. bottles of saline solution?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(b) Are officers/sergeants familiar with the decontamination and first-aid procedure?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Are officers/sergeants familiar with the function of their duty holsters?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(1) Can officers/sergeants draw and fire their weapon, reholster and without looking at the holster, fasten the safety strap with one hand?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(2) Can officers and sergeants draw, cycle and reholster their weapons within one and a half seconds, using one hand?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(3) Is there personal confirmation by the testing officer that all weapons are unloaded prior to holster-related exercises?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
c. Are officers/sergeants proficient in reloading their weapons from a standing and sitting position?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
d. Do officers/sergeants routinely practice with their batons?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(1) Do officers/sergeants carry their batons on all enforcement stops?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(2) Can officers/sergeants successfully demonstrate approved baton techniques?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
e. Does the majority of uniformed personnel routinely wear body armor?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(1) Have active steps been taken to encourage nonusers to take advantage of the protection afforded by soft body armor?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(2) Were required reports submitted to Supply Services Unit, as per policy, for any incidents where body armor was struck by a bullet or other penetrating type instrument?		N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No
(a) If so, did the involved officer receive a complete physical examination?		N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No
f. Are holsters, ammunition, magazines, magazine pouches, handcuffs, handcuff case and OC spray projectors inspected in conjunction with the annual performance appraisal?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(1) Do CHP 311 forms indicate compliance?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(2) Were deficiencies corrected within 30 days of the inspection?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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(3) Is there a procedure in place to periodically audit ammunition? Are the following steps in the audit process taken?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(a) Beginning inventory determined?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(b) Has the total amount of ammunition ordered by requisition as well as returned (unused) ammunition been determined?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(c) Has the total rounds issued per ammunition records been determined?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(d) Has a physical inventory of ammunition been taken?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(e) Has the physical count been compared to the balance on hand according to the inventory record?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(f) Have rounds issued per training records been compared to rounds fired per shooting rosters?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(g) Has the mathematical accuracy of the inventory records been tested?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(h) When ammunition orders are received from Supply Services Unit, is the merchandise inspected, quantities checked against the packing/shipping documents, exceptions noted and receipt acknowledged immediately upon delivery?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
f. Is policy adhered to requiring firearms not be drawn, loaded, unloaded or dry fired except in the clearing tube?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(1) Does location of the clearing tube(s) provide safety to personnel in or about the office in the event of an accidental discharge?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
g. Are weapons training records maintained as required per policy? Has record reliability been determined by testing the accuracy of the following recorded information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(1) Do the dates recorded on the various records correspond to the actual date training was conducted?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(2) Do training dates correspond to the activity information on the employee's CHP 415?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(3) Do training dates closely correspond to the dates ammunition was issued for training (per inventory records)?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(4) Was ammunition issued for training (per inventory records) compared with the actual amount expended (per the shooting roster)?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(a) Once done, was the disposition of any unused ammunition verified for those training days tested?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(5) Are records kept undated as training takes place?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(6) Is training recorded on the employee's CHP 270?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(7) Is required information recorded in accordance with established guidelines and instructions?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(8) Is a roster maintained for each shoot which includes all pertinent information (type of shoot, scores, date, etc.)?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

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d. Are all persons subjected to physical arrest searched for offensive weapons?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(1) Has the local jail's experience with CHP arrests been reviewed?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(2) Has a practical demonstration of preliminary frisks and thorough searches been observed?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(3) Do all officers know guidelines pertaining to searches of the opposite sex as outlined in policy?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

6. ENFORCEMENT TACTICS	Evaluated 3-27-08	Action Required NO	Corrected
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a. Do sergeants and officers have knowledge of proper procedures which should be followed during each of the five levels of an enforcement stop?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
b. Do officers have a constant awareness of their personal safety during enforcement stops and when apprehending suspected or known criminals?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(1) Were demonstrations of an enforcement stop observed which show the officers' ability to safely control the situation at all times regardless of the level of hazard presented?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(a) Is the violator stop effectively made?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(b) Is the violator completely controlled?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(c) Is the prisoner properly prepared for transportation?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
c. Is there evidence of preplanning and coordination with allied agencies to prepare beat officers for hostage situations?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(1) Do officers understand their role is limited to containment of the incident until relieved by the authority having jurisdiction?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(2) Are officers aware of the need to maintain fire discipline at all times?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(3) Are officers knowledgeable of their responsibility to detain potential witnesses, control ingress and egress to the scene, evacuate the area if required and render necessary medical aid?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(4) Were various officers and supervisors questioned to determine their knowledge of the CHP role in hostage incidents?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

7. PURSUITS	Evaluated 3-27-08	Action Required NO	Corrected
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a. Are all uniformed personnel well-versed in policy regarding the conduct of pursuits?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(1) Number of units?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(2) When to discontinue?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(3) Were pursuit critiques checked to determine if the pursuits comply with enforcement guidelines listed in policy?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(a) Where noncompliance is indicated, were corrective actions taken?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
b. Does the Area have written guidelines or plans to ensure proper coordination with allied agencies during pursuits?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

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ITEM

1 COMMAND INVOLVEMENT

- 1A The Commander, Lieutenant H. Parades, is committed to the importance of officer safety, the emphasis of proper enforcement tactics, and officer safety training.

2 TRAINING AND CERTIFICATION

- 2A Officer S. Pena is the Training Officer for the Otay Mesa Inspection Facility. Officer Pena maintains an anniversary roster of all uniformed personnel. A review of the CHP 199 forms indicates that all officers and sergeants are current. In addition, the S.R.O.V.T. calendar is reviewed at each shift briefing.
- 2B A random sampling of 33 CHP 100 forms were reviewed and revealed that comments regarding officer safety tactics observed in the field were not specifically noted. Due to the fact that the Area is an inspection facility, most comments did pertain to commercial inspection procedures, officer safety tips and general safety tips. Area personnel participate during "STAR" campaigns, field related assignments, and general public contacts which would allow for future observation of officer safety tactics by supervisors.

Action:

Supervisors should note observations of officers in the field as they relate to OST /PMA tactics. Those observations should then be recorded on the CHP 100 and included as part of the officer's annual evaluation.

- 2D Area maintains two OST/PMA instructors. The instructors are Officer G. Cruz and G. Rowland. Officer G. Rowland has been on 4800 time and cannot assist with training at this time and his return is uncertain. Otay Mesa I.F. will send an additional officer to the Division Certification to assist the facility with its training needs. Sergeant H. Henrickson is responsible for the OST/PMA program. The number of instructors is not appropriate and the Area's equipment is adequate.

3 SAFETY EQUIPMENT

- 3A All officers are certified in the OC/pepper spray. Officers V. Nevarez and J. Acosta were questioned regarding the use of the OC spray, decontamination and limitations. They were well versed in these procedures. Two patrol cars were checked at random which did contain saline bottles (500 ml) in the trunk box.

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3B-D Officers V. Nevarez and J. Acosta were asked to demonstrate their proficiency in PMA and OST. The officers were very familiar with the specific PMA techniques and showed good proficiency with their holsters and loading devices. Both officers were aware of the policy and the proper utilization of the PR-24 and ASP baton. In addition, the officer's equipment was in good condition.

3F Area maintains all CHP 311 forms which do indicate compliance, correction, and inspection schedules current. Officers S. Pena and G. Cruz are responsible for weapons inspections.

4 FIREARMS

4A Quarterly reviews of the Departmental shooting policy are conducted during Area training days. Area utilizes video tapes, scenarios, and the S.R.O.V.T. calendar in addition to reading the policy. Officers V. Nevarez and J. Acosta were questioned on their knowledge of policy and its applications. The officers showed a very good understanding of the shooting policy.

4B A review of the OTS "Monthly Pistol Shoots" report indicated that the Area has conducted required shoots during 2007. The average monthly pistol shoots attended during 2007 by Area personnel is six and an average of eight credited shoots. A portion of the low average is due to the lack of availability of the Donovan State Prison range. The range situation was discussed with both Officer S. Pena and Sgt. H. Hendrickson. Both were given options to bring the number of shoots up to policy.

Action:

HPM 70.8, Chapter 3, (1) (a) Required Shoots states that employees shall fire 12 primary firearm shoots each year (one each month).

4C Officers S. Pena and G. Cruz coordinate the Academy qualified weapons training program. Currently, there are no alternates for the weapons training program.

4D The facility, Donovan State Prison, is the range for the Otay Mesa Inspection Facility. This range meets the needs to facilitate all required shoots as described in policy.

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- 4E [REDACTED] The Area's ammunition is kept in a locked locker, the locker is located in a [REDACTED] "Storage/Workout" room. The locker can be accessed by Sgt. Hennickson and Officer D. Jimenez with an issued key. A review of the CHP 416 forms showed that all ammunition was accounted for and inventory current. No ammunition inventory discrepancies were noted. The quantity of .40 caliber ammunition is currently within policy.
- [REDACTED] The Area does have a procedure in place to periodically audit the ammunition by Sergeant H. Hennickson and a subsequent memorandum is forwarded to Lieutenant H. Parades.
- 4F The clearing tube is located at the rear entrance to the Area office. Officers V. Nevarez and J. Acosta were observed utilizing the clearing tube to empty and charge their weapons.
- 4G The weapons training records were checked and no discrepancies were noted.
- 4H The Area procedure in place which ensures the person processing the ammunition requisition is not involved with the receiving and recording of ammunition inventory is adequate.
- 5 PHYSICAL METHODS OF ARREST**
- 5A Officers V. Nevarez and J. Acosta were aware of the five most vulnerable areas of an attacker. This knowledge indicated they would be able to defend themselves by attacking one of these critical areas.
- 5B-D Officers V. Nevarez and J. Acosta were asked at random to demonstrate various arrest, control, handcuffing, and searching techniques. The officers were able to accurately demonstrate and perform the techniques and searches. The officers were able to accurately answer all questions in regard to policy as it related to the search of female prisoners and handcuffing. The officers were versed in the current policy of the carotid technique regarding certification and the fact that it is not to be utilized except in deadly force situations.
- 6 ENFORCEMENT TACTICS**
- 6A The officers were questioned about the force continuum and given scenarios to provide an application of policy. Both officers showed a good working knowledge of the force continuum.

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7 PURSUIT

7A The officers were given scenarios dealing with pursuit and forcible stops policy. They demonstrated as excellent, practical working knowledge and application of departmental policy. The Area conducts training in forcible stops and pursuit policy on a quarterly basis utilizing video tapes, S.R.O.V.T. topics, and policy review.

CONCLUSION

The Chapter 17 Inspection conducted at the Otay Mesa Inspection Facility by Officer Jay Cate.